

REMARKS

This application has been reviewed in light of the Office Action mailed on May 11, 2007. Claims 1, 2, 5-17 and 20-22 are currently pending in this application with Claims 1 and 15 being in independent form. Claims 1 and 15 have been amended by this response and Claims 21 and 22 have been added by this response. In view of the amendments and the remarks to follow, reconsideration and allowance of this application are respectfully requested.

By this amendment, Applicants have amended independent Claim 1 to recite, “a proximal portion of the transition area having a trapezoidal transverse cross-section and a distal portion of the transition area having a triangular transverse cross-section,” and Applicants have amended independent Claim 15 to recite, “a proximal portion of the transition area having a trapezoidal transverse cross-sectional dimension inclusive of the first and second cutting edges and a distal portion of the transition area having a triangular transverse cross-sectional dimension inclusive of the first and second cutting edges.” Support for this amendment is found throughout Applicants’ specification, for example, in Figures 5-7.

In the Office Action, Claim 1 was rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. While Applicants believe that there is support for side surfaces 28 being “generally convex” (e.g., Figure 5), this language has been deleted from Claim 1. Accordingly, withdrawal of this rejection is respectfully requested.

In the Office Action, Claims 1-2, 10 and 13 were rejected under 35 U.S.C. §103(a) over U.S. Patent No. 5,342,397 to Guido in view of U.S. Patent No. 5,178,628 to Otsuka et al. Applicants have hereby amended Claim 1 to recite, *inter alia*, “the needle end having a transition area, a proximal portion of the transition area having a trapezoidal transverse cross-

section and a distal portion of the transition area having a triangular transverse cross-section.”

While it may be accurate that Guido discloses a needle with a cross-section that is trapezoidal and that Otsuka et al. disclose a needle with a cross-section that is triangular, neither of the references disclose, teach or even remotely suggest a needle having the claimed transition area. That is, none of the cited art discloses a needle having a transition area that includes a proximal portion having a trapezoidal cross-section and a distal portion having a triangular cross-section.

Thus, the Examiner has failed to overcome her burden of factually supporting her *prima facie* conclusion of obviousness. According to the strict guidelines of the MPEP, an Examiner must show that the prior art references, when combined, must teach or suggest all the claim limitations. For at least these reasons, Applicants respectfully request withdrawal of this rejection with respect to Claim 1 and to Claims 2, 10 and 13, which depend therefrom.

Claim 12 was rejected under 35 U.S.C. §103(a) over the combination of Guido and Otsuka et al. and further in view of U.S. Patent No. 4,513,747 to Smith. Applicants respectfully submit that Claim 12 is at least patentable for the reasons independent Claim 1 is patentable as outlined hereinabove. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 5-7 and 14 were rejected under 35 U.S.C. §103(a) over the combination of Guido and Otsuka et al. and further in view of U.S. Patent No. 5,762,811 to Munoz. Claims 5-7 and 14 are patentable for at least the reasons independent Claim 1 is patentable, as discussed hereinabove. Withdrawal of this rejection is respectfully requested.

Claims 8 and 9 were rejected under 35 U.S.C. §103(a) over Guido, Otsuka et al.

and Munoz and further in view of U.S. Patent No. 4,133,339 to Naslund. Claims 8 and 9 are patentable for at least the reasons independent Claim 1 is patentable, as discussed hereinabove. Withdrawal of this rejection is respectfully requested.

Claim 11 was rejected under 35 U.S.C. §103(a) over the combination of Guido and Otsuka et al. and further in view of U.S. Patent No. 4,524,771 to McGregor et al. Applicants respectfully submit that Claim 11 is at least patentable for the reasons independent Claim 1 is patentable as outlined hereinabove. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 15-20 were rejected under 35 U.S.C. §103(a) over the combination of Guido in view of Otsuka et al. and Munoz. Applicants have hereby amended Claim 15 to recite, *inter alia*, “the second needled end having a transition area, a proximal portion of the transition area having a trapezoidal transverse cross-sectional dimension inclusive of the first and second cutting edges and a distal portion of the transition area having a triangular transverse cross-sectional dimension inclusive of the first and second cutting edges.”

As discussed above with reference to the rejection of Claim 1, none of the cited art discloses a needle having a transition area that includes a proximal portion having a trapezoidal transverse cross-sectional dimension inclusive of the first and second cutting edges and a distal portion having a triangular transverse cross-sectional dimension inclusive of the first and second cutting edges. Thus, the cited references, alone or in combination, do not teach or suggest all the claim limitations and the Examiner has failed to overcome her burden of factually supporting her *prima facie* conclusion of obviousness. For at least these reasons, Applicants respectfully request withdrawal of this rejection with respect to Claim 15 and to Claims 16-20,

which depend therefrom.

CONCLUSION

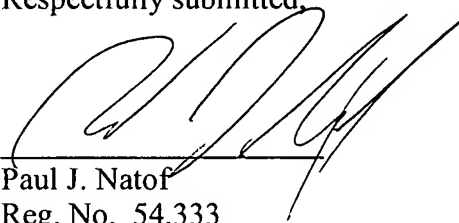
In view of the foregoing amendments and remarks, it is respectfully submitted that all claims pending in the application, namely Claims 1, 2, 5-17 and 20-22 are in condition for allowance and patentably distinguishable over the art of record.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, she is requested to call the Applicants' undersigned attorney at her convenience.

Respectfully submitted,

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